

CHAPTER 75 - ANIMAL WASTE MANAGEMENT

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75.01 Authority.

This Chapter is adopted under authority granted by § 92.16, Wis. Stats.

75.02 Title.

This Chapter shall be known as, referred to, and may be cited as the County Animal Waste Management and is hereinafter referred to as the Chapter.

75.03 Findings and Declaration of Policy.

The County Board of Supervisors finds that storage of animal waste in earthen storage facilities not meeting technical design and construction standards may cause pollution of the surface and ground waters of the County, and may result in actual or potential harm to the health of the County residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of the County. The County Board of Supervisors further finds that the technical standards developed by the U.S.D.A. Soil Conservation Service and adopted by the County Land Conservation Committee provide effective, practical and environmentally safer methods of storing animal waste.

75.04 Purpose.

The purpose of this Chapter is to regulate the design and construction of earthen animal waste storage facilities in order to prevent water pollution and thereby protect the health of the County residents and transients, prevent the spread of disease, and promote the prosperity and general welfare of the citizens of the County. It is also intended to provide for the administration and enforcement of the Chapter and to provide penalties for its violation.

75.05 Applicability.

This Chapter applies to the entire geographical area of the County.

75.06 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

75.07 Severability Clause.

If any section, provision, or portion of this Chapter is ruled invalid by a court, the remainder shall not for that reason be rendered ineffective.

75.08 Effective Date.

This Chapter shall become effective upon its adoption by the County Board of Supervisors and publication.

75.09 Definitions.

A. Animal Waste means livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal waste handling operations.

B. Animal waste storage facility means a concrete, steel, or otherwise fabricated structure, or an excavated or earthen impoundment used for temporary storage of animal or other organic wastes.

C. Applicant means any person who applies for a permit under this Chapter.

D. Earthen animal waste storage facility means a facility constructed of earth dikes, pits or ponds used for temporary storage of animal waste.

E. Nutrient management plan means a written plan detailing the amount, form, placement, and timing of application of plan nutrients, including animal waste.

F. Permit means the signed, written statement issued by the County Conservationist with the Land Conservation Department under this Chapter authorizing the applicant to construct, install, reconstruct, enlarge, or substantially alter an earthen animal waste storage facility.

G. Permittee means any person to whom a permit is issued under this Chapter.

H. Person means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any other combination thereof.

I. Technical Guide means the current United States Department of Agriculture (U.S.D.A.) Soil Conservation Service Technical Guide as adopted by the County Land Conservation Committee.

J. Water Pollution means contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

75.10 Activities Subject to Regulation.

A. General Requirement. Any person who designs and constructs an earthen animal waste storage facility, or who employs another to do the same, on land subject to this Chapter, shall be subject to the provisions of this Chapter.

B. Compliance with Permit Requirements. A person is in compliance with this Chapter if he or she follows the procedures of this Chapter, receives a permit from the County Conservationist before beginning activities subject to regulation under this Section, and complies with the requirements of the permit.

75.11 Standards.

A. Standard for Earthen Animal Waste Storage Facilities. The standards for design and construction of earthen animal waste storage facilities are those in standard 425 of the technical guide.

B. Standard for Animal Waste Management Utilization. The standards for management of animal waste storage facilities and utilization of animal waste are those in standard 590 of the technical guide.

75.12 Application for and Issuance of Permits.

A. Permit Required. No person may undertake an activity subject to this Chapter without obtaining a permit from the County Conservationist prior to beginning the proposed activity.

B. Exception to Permit Requirements. Emergency repairs such as repairing broken pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a permit.

75.13 Fee.

The fee for a permit under this Chapter shall be as established by the Land Conservation Committee.

75.14 Animal Waste Storage Facility and Nutrient Management Plan.

A. Each application for a permit under this Section shall include an animal waste storage facility plan and a nutrient management plan. The animal waste storage facility plan shall specify:

1. The number and kinds of animals, and duration for which storage is provided.
2. A sketch of the facility and its location in relation to buildings and homes within three hundred (300) feet of the proposed facility. The sketch will be drawn to scale, with a scale no smaller than one (1) inch equals one hundred (100) feet.
3. Complete construction specifications, including, but not limited to, dimensions, cross sections views with dike or wall thickness and material specifications.
4. The location of any wells within three hundred (300) feet of the facility.
5. The soil test pit locations and descriptions or logs to a depth of at least three (3) feet below the planned bottom of the facility.
6. The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.
7. Method of transferring animal wastes to the earthen animal waste storage facility.
8. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. If a navigable body of water lies within five hundred (500) feet of the facility, the location and distance to the body of water shall be shown.
9. The scale of the drawing and the north arrow.
10. A time schedule for construction of the facility.

B. The nutrient management plan shall specify plans for utilization of the animal waste, including the amount of land available for the application of waste, method, schedule identification of the areas where the waste will be used, soil types and any limitations on waste applications due to soil limitations, type and proximity of bedrock or water table, slope of land, and proximity of surface water.

75.15 Review of Application.

The County Conservationist shall receive and review all permit applications. The County Conservationist shall determine if the proposed facility meets required standards set forth in Section 75.11. The landowner shall inform the County Conservationist no later than two (2) working days prior to digging the soil test pit. Within fifteen (15) days after receiving the completed application and fee, the County Conservationist shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the County Conservationist shall so notify the permit applicant. The County Conservationist has fifteen (15) days from the receipt of the additional information in which to approve the application. If the County Conservationist fails to approve or disapprove the permit application in writing within fifteen (15) days of the receipt of the permit application or additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

75.16 Permit Conditions.

All permits issued under the Chapter shall be issued subject to the following conditions and requirements:

- A.** Earthen animal waste storage facility design and construction shall be carried out in accordance with the animal waste facility plan and applicable standards specified in Section 75.11.
- B.** The permittee shall give no less than two (2) working days' notice to the County Conservationist before starting any construction activity authorized by the permit.
- C.** Approval in writing must be obtained from the County Conservationist prior to any modifications to the approved animal waste facility plan.
- D.** The permittee and, if applicable, the contractor, shall certify in writing that the facility was installed as planned.

Activities authorized by the permit must be completed within one (1) year from the date of issuance after which such permit shall be void. However, a one (1)-year extension may be granted by the Land Conservation Committee.

75.17 Permit Revocation.

The County Conservationist may revoke any permit issued under this Chapter if the holder of the permit has misrepresented any material fact in the permit application or animal waste facility plan, or if the holder of the permit violates any of the conditions of the permit.

75.18 Administration.

A. Delegation of Authority. The County hereby designates the County Conservationist to administer and enforce this Chapter.

B. Administrative Duties. In the administration and enforcement of this Chapter, the County Conservationist shall:

1. Keep an accurate record of all permit applications, animal waste facility plans, permits issued, inspections made, and other official actions.
2. Review permit applications and issue permits in accordance with Section 75.12.
3. Periodically inspect the animal waste facility constructed to ensure the facility is being constructed according to plan specifications.
4. Perform a final inspection of the animal waste facility within five (5) working days of receipt of written certification of completion by the permittee.
5. Investigate complaints relating to compliance with the Chapter.
6. Perform other duties as specified in this Chapter.

C. Inspection Authority. The County Conservationist, or in his absence the Zoning Administrator, is authorized to enter upon any land affected by this Chapter to inspect the land prior to or after permit issuance to determine compliance with this Chapter. If permission cannot be received from the applicant or permittee, entry by the County Conservationist shall be according to §§ 66.122 and 66.123, Wis. Stats.

D. Enforcement Authority. The County Conservationist, or in his absence the Zoning Administrator, is authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this Chapter. Notice is given by both posting upon the land where the violation occurs, one (1) or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this Chapter. The order shall specify that the activity must cease immediately or be brought into compliance within thirty (30) days.

75.19 Violations.

A. Penalties. A person who violates, neglects, or refuses to comply with or resists the enforcement of any provisions of this Chapter shall be subject to a forfeiture as set forth in Chapter 100. An unlawful violation includes failure to comply with any standard of this Chapter or with any condition or qualification attached to the permit. Each day a violation exists shall be a separate offense.

B. Enforcement of Injunction. As a substitute for, or in addition to, forfeiture actions, the County may seek enforcement of any part of this Chapter by court actions seeking injunctions or restraining orders.

75.20 Appeals.

A. Who may take appeals. Appeals may be taken to the Land Conservation Committee by any person aggrieved by any order, requirement, decision or determination by the County Conservationist under this Chapter.

B. Procedure. Such appeal is exclusive and shall be filed at the office of the County Conservationist within thirty (30) days of the order, requirement, decision or determination appealed from. The Land Conservation Committee shall conduct a hearing within sixty (60) days of the filing of the appeal.

C. Hearing. The hearing shall be conducted in accordance with §§ 68.11 (2) and (3) and 68.12 (1), Wis. Stats.

D. Judicial Hearing. Judicial review of the final determination may be made by any party filing within thirty (30) days of the delivery of the determination to the party, a certiorari action in the Circuit Court for the County. The party filing for such certiorari review shall pay in advance, the reasonable cost of providing a transcript of the hearing.

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